



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

August 3, 1990  
AO-90-26

William Gorman  
Gorman Associates  
229 Berkeley Street  
Boston, MA 02116

Dear Mr. Gorman:

This letter is in response to your request for an advisory opinion.

You have stated you wish to initiate a campaign aimed at harnessing what you perceive to be an anti-incumbent sentiment in the public at large to vote out incumbent officeholders and vote in new candidates. The literature you have provided us states that your organization will not recommend any candidate but merely point out the "anti-people/pro-special interest" records of the present members. You have further stated the your plan is to make the voter aware of the benefits of limiting terms and point out the disservice that an entrenched career legislature delivers.

You wish to know if your organization is subject to the provisions of M.G.L. c.55.

Section 1 of M.G.L. c.55 defines a political committee as "any committee, association, organization, or other group of persons, including a national, regional, state, county, or municipal committee, which receives contributions or makes expenditures for the purpose of influencing the nomination or election of a candidate, or candidates . . ."

It is the opinion of this office that "influencing the nomination or election of a candidate, or candidates" as used in the definition of "political committee" includes both advocating the success as well as the defeat of a candidate or candidates.

Additionally, we would note that section 5 of M.G.L. c.55, which details the organizational requirements of a political committee, states that "the name and address, if known, and party affiliation of each candidates the political committee is supporting" (emphasis added) is required on the committee's statement of organization. Thus, the identification of each

candidate supported by a political committee is not a prerequisite of that political committee's organization under M.G.L. c.55. It therefore follows that although an organization may not be actively supporting a clearly identifiable candidate or candidates, it may nevertheless be subject to the provisions of the campaign finance laws if it is advocating the defeat of a particular class or group of candidates.

It is therefore the opinion of this office that your organization in advocating the defeat of a clearly identified group of candidates, i.e. incumbent officeholders, will be functioning as a political committee subject to the provisions of M.G.L. c.55.

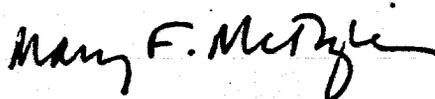
You have inquired about the legality of using a "976" telephone number to solicit contributions for your organization if this office determined that such organization is subject to the campaign finance law. We have not been given sufficient information to provide you with a definitive answer on this issue. We have, however, enclosed a copy of an earlier advisory opinion on the subject of fundraising using a "976" number.

We have also enclosed a copy of "A Campaign Finance Guide for Multi-Candidate Political Committees" as well as a Form CPF 101PC (Statement of Organization of a Political Committee) for your information.

This opinion has been rendered solely in the context of M.G.L. c.55 and has been based solely on the representations made in your letter and the accompanying literature.

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue  
Director

enclosures (AO: 90-15)  
MFM/wp